

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
CASE NO. 1:09-cr-00281-CG-N

UNITED STATES OF AMERICA,

vs.

TONY LEE MITCHELL,

Defendant.

DEFENDANT'S MOTION TO MODIFY SENTENCE

Defendant TONY LEE MITCHELL, appearing pro se, moves this Court for a modification of its sentence of August 17, 2010, as previously modified by order of this Court on December 29, 2014 (effective November 1, 2015):

1. Defendant MITCHELL was originally sentenced to a term of imprisonment of 123 months (August 17, 2010). That sentence was reduced under §3582(c)(2), by reason of a retroactive amendment of the applicable guidelines, to 111 months by order dated December 29, 2014.

2. Defendant MITCHELL asks this Court for a further modification of this sentence, to provide that the remainder of Defendant's pre-probationary term of incarceration be served on home confinement. As grounds therefor, Defendant MITCHELL states that:

a) Defendant's parents are now aged 85 and 83, respectively, and are in failing health. Attached is a copy of the medical status letter regarding Defendant MITCHELL's father (from his father's physician, dated June 9, 2015). Defendant

MITCHELL has been approved for residence with his parents for the purpose of caring for and transporting them, particularly to medical appointments (including regular dialysis). BOP's calculation of Defendant's "home confinement" date is August 3, 2017 (see the attached Sentence Monitoring Computation Data Sheet). Notwithstanding, the Halfway House (because of its constraints) is unable to receive Defendant MITCHELL until after that date (projected for August 8, 2017), thus delaying further Defendant's availability to go home and care for his parents.

b) Defendant has been incarcerated for approximately 77 months. Defendant has never received a disciplinary report or incident report. Defendant has completed 30 programs during his incarceration, including the 500-hour Residential Drug Treatment Program (see Defendant's attached program statement). Defendant is currently housed at a minimum security "camp" facility and has the lowest security rating, "Community Custody".

c) Defendant is willing and able to pay for electronic monitoring as a condition of his home confinement.

3. Allowing Defendant to go to home confinement will not detract from the severity of his punishment or its deterrent effect on others, but will serve only as a humanitarian gesture under the unusual circumstances regarding the personal needs of Defendant's elderly parents for a caregiver.

WHEREFORE, Defendant MITCHELL moves this Court to modify his sentence to provide for the remainder of his term of incarceration under home confinement (with electronic monitoring at Defendant's expense) under the supervision of this Court's

Probation Office.

SUBMITTED this 26th day of June, 2016.

Tony Lee Mitchell

Tony Lee Mitchell, Petitioner

CERTIFICATE OF FILING

I, Tony Lee Mitchell, under penalty of perjury, state under oath that I have delivered the original of the foregoing to the Institution's Special/Legal mail system, postage prepaid and addressed to the Clerk of the District Court, Southern District of Alabama, 113 Saint Josephy St., Mobile AL 36602, this **JUN 27 2016**, 2016.

Tony Lee Mitchell

Tony Lee Mitchell, Reg. No. 07774-003
FPC Montgomery
Federal Prison Camp
Maxwell Air Force Base
Montgomery AL 36112

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
U.S. Probation Office

Jennifer M. Childress
Chief U.S. Probation Officer

201 St. Michael Street, 2nd Floor
Mobile Alabama 36602
(251)441-6800
Fax (251) 441-6810

June 8, 2016

Mr. Tony Mitchell, #07774-003
Federal Prison Camp Montgomery
1001 Willow Street,
Maxwell AFB, AL 36112

RE: REQUEST FOR HOME DETENTION

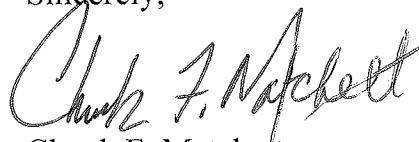
Dear Mr. Mitchell:

The United States Probation Office for the Southern District of Alabama is in receipt of your letter, dated May 31, 2016, and this comes in response to your request that you be allowed to participate in the Home Confinement/Electronic Monitoring Program, upon your release from imprisonment.

A review of your Judgment and Commitment Order revealed that the Court did not impose a special condition of home confinement or electronic monitoring. Unfortunately, only the Court can modify your original Judgment order. It is my recommendation that you consult an attorney, and have them petition the Court to consider amending or modifying your special conditions of release. If you are released to an area halfway house, perhaps they will consider your request. In response to your question as to case assignment; at this time, we do not know which officer you will report to.

We hope you find this information helpful. Let us know if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck F. Matchett". The signature is fluid and cursive, with the first name "Chuck" and last name "Matchett" clearly distinguishable.

Chuck F. Matchett
Supervisory U.S. Probation Officer
Southern District of Alabama

UNITED STATES DISTRICT COURT
for the
Southern District of Alabama

United States of America
v.

TONY LEE MITCHELL

Date of Original Judgment: August 17, 2010
Date of Previous Amended Judgment: _____
(Use Date of Last Amended Judgment if Any)

Case No: 09-00281-001

USM No: 07774-003

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 63 months is reduced to 51 months on Counts 1,3 & 4.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

The sentence on Count Two remains 60 months consecutive to the sentence imposed on Counts 1,3 & 4.

Except as otherwise provided, all provisions of the judgment dated August 17, 2010 shall remain in effect.

IT IS SO ORDERED.

Order Date: December 29, 2014

**Callie V.S. Granade U.S.
District Judge**

Digitally signed by Callie V.S. Granade U.S. District Judge
DN: cn=Callie V.S. Granade U.S. District Judge, o=U.S.
Government, ou=Federal Judiciary,
email=efile_granade@alsd.uscourts.gov, c=US
Date: 2014.12.29 13:05:58 -06'00'

Judge's signature

Effective Date: November 1, 2015
(if different from order date)

United States District Court

Printed name and title

MONA9 540*23 *
PAGE 001 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 03-16-2015

* 03-16-2015
* 15:17:59

REGNO...: 07774-003 NAME: MITCHELL, TONY LEE

FBI NO.....: 710327KA8
ARS1.....: MON/A-DES
UNIT.....: BHM RDAP
DETAINEES.....: NO

DATE OF BIRTH: 1968 AGE: 46

QUARTERS.....: B03-011U
NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 08-03-2017

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT
THE INMATE IS PROJECTED FOR RELEASE: 02-03-2018 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION.....: ALABAMA, SOUTHERN DISTRICT
DOCKET NUMBER.....: 1:09-CR-00281-001
JUDGE.....: GRANADE
DATE SENTENCED/PROBATION IMPOSED: 08-17-2010
DATE COMMITTED.....: 10-27-2010
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$400.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 391
OFF/CHG: 21:846 ATT TO MFG METH; 18:922(G)(1) PROHIBIT PERSON IN POSS
OF F/A; 26:5861(D) POSS OF AN UNREGISTERED F/A(SHORT BARREL
SHOTGUN

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 63 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
NEW SENTENCE IMPOSED.....: 51 MONTHS
BASIS FOR CHANGE.....: USSG DRG QNTTY DCSN 11-01-2014
DATE OF OFFENSE.....: 11-19-2009

G0002 MORE PAGES TO FOLLOW . . .



renalus

Center for
Kidney Care

Humam Humeda, M.D., F.A.C.P.
Edward L. Friedland, M.D.
Ronnie Wiles, M.D., F.A.C.P.
Maged Nashed, M.D.
Haitham Qader, M.D.
Douglas Bunting, M.D.

Christopher S. Reid, M.D.
Nicholas Nagrani, M.D.
Derek Jimenez, M.D.
James P. Martin, D.O.
F. Duncan Scott, M.D.

Creighton Road Office
1619 Creighton Rd
Pensacola, FL 32504
Phone: (850) 444-4700
Fax: (850) 434-8144

Milton Office
5934 Berryhill Medical Park Rd.
Suite I
Milton, FL 32570
Phone: (850) 623-4771
Fax: (850) 623-3938

Fort Walton Beach Office
925 Marwalt Drive
Suite I
Fort Walton Beach, FL 32547
Phone: (850) 862-2385
Fax: (850) 862-0482

Crestview Office
Brookmeade Professional Park
600 Hospital Drive
Crestview, FL 32539
Phone: (850) 398-6606
Fax: (850) 398-6424

Patient Name: Wiley D Mitchell
DOB: Mar 16, 1931
Chart #:
Date: Jun 09, 2015
Document Name: Correspondence

Wiley D Mitchell
18901 Three Rivers Rd.

Seminole, AL 36574

CHART #:
Phone: (251)946-2215
Sex: M
Age: 84 Yrs.
DOB: 3/1931

Mr. M. Blackmon
Case Manager, Birmingham Unit
Federal Prison Camp Montgomery
1101 Willow Street
Maxwell Air Force Base
Montgomery, AL 36112

Mr. Blackmon,

Mr. Wiley Mitchell is an end stage renal disease patient requiring hemodialysis treatments three times a week. The renal disease can cause weakness, fatigue, and shortness of breath at times. He will need assistance from his son after he is released to The Halfway House and Home Confinement in early 2017 to assist with activities of daily living since he also has an elderly mother at home. Mr. Wiley scheduled dialysis time is in the evening. The dialysis unit is thirty two miles away from Mr. Mitchell's home, so he will also need his son to drive him to the dialysis unit. If there are any questions, please feel free to call (850)444-4700.

Thank you

Humam Humeda, MD

[Signed and locked electronically on 06/24/2015 at 02:47:01 PM]

Transcribed: Tawana L Cooper (06/09/2015)

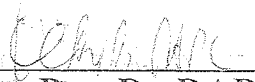
Certificate of Achievement

Presented to

TONY MITCHELL
For successfully completing
the residential portion of the

Residential Drug Abuse Treatment Program

This milestone, while significant, is not the completion of the treatment requirements. TONY MITCHELL, is hereby eligible to move forward to the follow-up and/or community treatment components of RDAP.


K. Cannon, Psy. D., DAP Coordinator Date 1-26-2016
FPC Montgomery

May 31, 2016

BOP Programs Completed By Tony Mitchell

	DATE	DESCRIPTION
1)	10/30/10	OSHA 30 Hour Industrial Safety Program
2)	12/17/10	28 Lesson Amazing Facts Bible Correspondence Program
3)	03/31/11	90 Days Participation and Attendance AA/NA
4)	03/31/11	Completion of Art Therapy
5)	05/09/11	HIV/AIDS Awareness
6)	05/19/11	Anger Management
7)	06/27/11	40 Hour Drug Education
8)	12/19/11	Living Free Program
9)	01/10/12	120 Hour Powered Industrial Truck Certification
10)	03/29/12	26 Lesson Voice of Prophecy Bible Course
11)	06/06/12	20 Lesson Voice of Prophecy Bible Course
12)	08/31/13	BOP Meineke Car Care General Service Tech Course (270 Hours)
13)	07/31/14	FPC Englewood Parenting Course
14)	02/10/15	Recreational Leather
15)	03/09/15	Salvation Army Bible Correspondence Course
16)	03/10/15	#1 Aids Awareness
17)	04/03/15	#6 Stress Management
18)	04/03/15	Recreation Ceramics
19)	04/10/15	Leisure Guitar
20)	04/15/15	#1 Nutrition
21)	04/22/15	#3 Money Management
22)	05/04/15	#2 Career Planning
23)	08/17/15	Successfully Dealing With Stress
24)	08/17/15	Making My Money Work For Me
25)	08/17/15	Communication Skills
26)	08/17/15	Red Flags To Domestic Violence
27)	08/17/15	What To Do With My Anger
28)	01/26/16	Completion of 500 Hour Residential Drug Abuse Program
29)	01/28/16	#2 Dress For Success
30)	03/25/16	12 Lesson Economic Stability Course

Three identical USA Forever postage stamps are shown in a row. Each stamp features a black and white illustration of the American flag waving on a flagpole. The text "USA FOREVER" is printed at the bottom of each stamp. The stamps are perforated on the right side.

Montgomery P&DC 360
Mon 27 June 2016 PM

↔07774-003↔

United States Dist Cour.
113 Saint Joseph ST
Attn: Clerk
Mobile, AL 36602
United States

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